



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

September 9, 2013

Ida McDonnell, CAP
USEPA Region 1
1 Congress Street – Suite 1100
Boston, Massachusetts 02114-2023

Re: **Administrative Amendment**
FINAL OPERATING PERMIT
Appl. #WE-13-014; Trans. #255647

Dear Ms. McDonnell:

In accordance with 310 CMR 7.00 - APPENDIX C(8) of the Massachusetts Air Pollution Control Regulations (“the Regulations”), the Department of Environmental Protection (“MassDEP”) is forwarding to EPA the attached **Administrative Amendment** to the Final Operating Permit for Tennessee Gas Pipeline, L.L.C., Station 261 located at 1615 Suffield Street in Agawam, Massachusetts.

The attached Administrative Amendment to the Final Operating Permit consists of adding a responsible official of the facility.

Should you have any questions concerning this **Administrative Amendment** to the Final Operating Permit, please contact Amy Stratford at (413) 755-2144 at your earliest convenience.

Sincerely,

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Marc Simpson
Air Quality Permit Chief
Western Region

cc: Michael Zeilstra, Engineer – Environmental III
Tennessee Gas Pipeline Co., L.L.C
1001 Louisiana Street, Room 1446A
Houston, TX 77002

ecc: Karen Regas, MassDEP, Boston
Yi Tian, MassDEP, Boston
Peter Czapienski, MassDEP, WERO



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Administrative Amendment to AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:

Tennessee Gas Pipeline Company
1001 Louisiana Street
Houston, TX 77002

INFORMATION RELIED UPON:

Application No. 1-O-07-044
Transmittal No. 127310

Appl.# WE-13-014, Trans.# X255647
(Admin. Amend: Add Responsible Official)

FACILITY LOCATION:

Tennessee Gas Pipeline Co.
Station 261
1615 Suffield Street
Agawam, MA 01001

FACILITY IDENTIFYING NUMBERS:

AQ ID: 042-0005
FMF FAC No.: 133246
FMF RO No.: 50004

NATURE OF BUSINESS:

Natural Gas Transmission

STANDARD INDUSTRIAL CODE (SIC):

4922

**NORTH AMERICAN INDUSTRIAL
CODE (NAICS): 486210****RESPONSIBLE OFFICIAL:**

Name: David J. Carroll
Title: Area Manager

FACILITY CONTACT PERSON:

Name: David J. Carroll
Title: Area Manager
Phone: (413) 786-1933 x-2022

Name: Thomas Dender

Title: Vice President - Operations

This operating permit shall expire on: June 1, 2014.

For the Department of Environmental Protection

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

9/5/2013

Michael Gorski
Regional Director
Department of Environmental Protection
Western Regional Office

Date

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TDD# 1-866-539-7622 or 1-617-574-6868
MassDEP Website: www.mass.gov/dep

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SPECIAL CONDITIONS FOR OPERATING PERMIT

A legend to abbreviated terms found in the following tables is located in Section 28 of this Operating Permit.

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00:Appendix C and applicable rules and regulations, the Permittee (hereinafter "TGP") is authorized to operate air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

DESCRIPTION OF FACILITY AND OPERATION

Tennessee Gas Pipeline owns and operates Compressor Station 261 (CS 261) located at 1615 Suffield Street in Agawam, Massachusetts. CS 261 is a natural gas transmission facility serving pipeline natural gas markets in the Northeast Region. The facility is staffed for a single eight-hour daytime shift. Operation of the station is remotely controlled 24 hours per day from Tennessee Gas Pipeline's control facility in Texas. CS 261 includes four (4) natural gas fired turbine driven compressors. The four turbines are a Solar Centaur H, a Solar T-1001, a Solar Centaur T-4500 and a Solar Centaur 50. The turbines operate in a simple cycle (no heat recovery) compressing the natural gas and then discharging it to the transmission system at operating pressure. The turbines burn exclusively natural gas as fuel. The facility is a major source due to the total potential emissions of NOx. It is not a major source for Hazardous Air Pollutant (HAPS). Compliance Assurance Monitoring (CAM) does not apply since none of the emission units have the potential to emit in excess of the major source threshold and do not have active add-on control devices.

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
EU #	Description of EU	EU Design Capacity	Pollution Control Device (PCD)
EU 1	Solar Centaur H gas turbine	54.8 MMBtu/hr at 32 °F	Low NOx combustors
EU 2	Solar Saturn T-1001 gas turbine	16.46 MMBtu/hr at 32 °F	None
EU 3	Solar Centaur T-4500 gas turbine	51.4 MMBtu/hr at 32 °F	Low NOx combustors
EU 4	Solar Centaur-50 gas turbine	59.84 MMBtu/hr at 32 °F	Augmented Backside cooling with Thermal Barrier Control (ABC/TBC)

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to Regulations 310 CMR 7.12.	310 CMR 7.00: Appendix C(5)(h)

4. APPLICABLE REQUIREMENTS

- A. EMISSION LIMITS AND RESTRICTIONS -The Permittee is subject to the emission limits / restrictions as contained in Table 3 below:

Table 3					
EU #	Fuel or Raw Material	Restrictions	Pollutant	Emission Limit/Standards ^(2,3)	Applicable Regulation and/or Approval No.
EU 1	Natural Gas	The Permittee shall not operate each unit more than 300 hours per twelve month rolling total during extreme conditions. ⁽³⁾ During extreme conditions the Permittee shall comply with the conditions of Table 8(1). ⁽³⁾	SO ₂	≤ 150 ppmvd @ 15% O ₂ or maximum fuel sulfur content of 0.8% by weight	40 CFR Part 60 §60.333
			PM ⁽¹⁾	≤ 0.10 lb/MMBtu	MassDEP Approval # 1-X-91-006 (dated 7/26/91)
			NO _x	≤ 42 ppmvd @15% O ₂	MassDEP Approval # 1-X-91-006 (dated 7/26/91) MassDEP Approval # 1-O-06-039 (dated 12/13/06)
			Smoke	≤ No. 1 of the Chart no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)
			Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
EU 2	Natural Gas	None	Smoke	≤ No. 1 of the Chart no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)
			Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
EU 3	Natural Gas	The Permittee shall not operate each unit more than 300 hours per twelve month rolling total during extreme conditions. ⁽³⁾ During extreme conditions the Permittee shall comply with the conditions of Table 8(1). ⁽³⁾	SO ₂	≤ 150 ppmvd @ 15% O ₂ or maximum fuel sulfur content of 0.8% by weight	40 CFR Part 60 §60.333
			PM ⁽¹⁾	≤ 0.10 lb/MMBtu	MassDEP Approval # 1-X-91-006 (dated 7/26/91)
			NO _x	≤ 42 ppmvd @ 15% O ₂	MassDEP Approval #1-X-91-006 (dated 7/26/91) MassDEP Approval # 1-O-06-039 (dated 12/13/06)
			Smoke	≤ No. 1 of the Chart no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)
			Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)

- Notes for Table 3:
- (1) Particulate matter as measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5.
 - (2) For EUs 1, 3 and 4, typical conditions are defined as ambient temperatures at or above 0°F (-18°C).
 - (3) Extreme conditions are defined as ambient temperature below 0°F (-18°C).
 - (4) Standard ISO conditions are 288 K (59°F), 60% relative humidity and 101.3 kilopascals (1atm) atmospheric pressure.

Table 3 (continued)

EU #	Fuel or Raw Material	Restrictions	Pollutant	Emission Limit/Standards ^(2,3)	Applicable Regulation and/or Approval No.
EU 4	Natural Gas	<p>TGP shall combust only natural gas in EU 4, per DEP Approval #1-P-99-027 (dated 7/18/00)</p> <p>The Permittee shall not operate each unit more than 300 hours per twelve month rolling total during extreme conditions.⁽³⁾</p> <p>During extreme conditions the Permittee shall comply with the conditions of Table 8(1).⁽³⁾</p>	SO ₂	<p>≤ 150 ppmvd @ 15% O₂ or maximum fuel sulfur content of 0.8% by weight</p> <p>≤ 0.0006 lb/MMBtu</p> <p>≤ 0.04 lb/hr</p> <p>≤ 0.015 ton/ calendar month</p> <p>≤ 0.15 ton/rolling 12-month period</p>	<p>40 CFR Part 60 §60.333</p> <p>MassDEP Approval #1-P-99-027 (dated 7/18/00)</p>
			PM ⁽¹⁾	<p>≤ 0.02 lb/MMBtu</p> <p>≤ 1.2 lb/hr</p> <p>≤ 0.446 ton/ calendar month</p> <p>≤ 4.96 ton/rolling 12-month period</p>	MassDEP Approval #1-P-99-027 (dated 7/18/00)
			NO _x	<p>≤ 15 ppmvd @ 15% O₂</p> <p>≤ 3.3 lb/hr</p> <p>≤ 1.23 ton/calendar month</p> <p>≤ 13.6 tpy</p>	<p>MassDEP Approval #1-P-99-027 (dated 7/18/00)</p> <p>MassDEP Approval # 1-O-06-039 (dated 12/13/06)</p>
			CO	<p>≤ 0.10 ppmvd @ 15% O₂ and ISO conditions ⁽⁴⁾</p> <p>≤ 1.3 lb/hr</p> <p>≤ 0.48 ton/ calendar month</p> <p>≤ 5.5 ton/rolling 12-month period</p>	<p>MassDEP Approval #1-P-99-027 (dated 7/18/00)</p> <p>MassDEP Approval # 1-O-06-039 (dated 12/13/06)</p>
			Smoke	≤ No. 1 of the Chart no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)
			Opacity	≤ 10%	MassDEP Approval #1-P-99-027 (dated 7/18/00)
			VOC	<p>< 0.03 lb/MMBtu</p> <p>< 1.91 lb/hr</p> <p>≤ 0.71 ton/ calendar month</p> <p>≤ 7.89 ton/rolling 12-month period</p>	<p>MassDEP Approval #1-P-99-027 (dated 7/18/00)</p> <p>MassDEP Approval # 1-O-06-039 (dated 12/13/06)</p>

B. COMPLIANCE DEMONSTRATION - The Permittee is subject to the monitoring/ testing, recordkeeping, and reporting requirements contained in Tables 4, 5, and 6 below, 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements as contained in Table 3, unless otherwise specified below.

Table 4	
EU	Monitoring / Testing Requirements
EU 1 and EU 3	TGP shall 1) Demonstrate that the fuel burned meets the definition of natural gas in 40 CFR § 60.331(u) in accordance with 40 CFR § 60.334 (h)(3).
EU 4	TGP shall 2) In accordance with MassDEP Approval No. 1-P-99-027, comply with the lb/hr, lb/MMBtu, and ppmvd emission limitations set forth in Table 3, which shall be determined based on one-hour averages. All applicable emission limitations are referenced to 15 percent oxygen and ISO conditions.
Facility Wide	3) In accordance with 310 CMR 7.13, conduct stack testing, upon written request of MassDEP, for any air contaminant for which MassDEP has determined testing is necessary, to ascertain compliance with MassDEP's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method(s) if approved by MassDEP and EPA. 4) In accordance with 310 CMR 7.14, upon request by MassDEP (a) install, maintain, and use emission monitoring devices, of a design and installation approved by MassDEP, and (b) make periodic reports to MassDEP on the nature and amounts of emissions from said source which MassDEP shall review and correlate for its use in emissions control and exhibit for public information. 5) Monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.

Table 5

EU	Recordkeeping Requirements
EU 1 and EU 3	<p>TGP Shall</p> <ol style="list-style-type: none"> 1) Keep records to demonstrate compliance with Table 4, Condition 1 of this Permit. 2) In accordance with MassDEP Approval No. 1-X-91-006, maintain a copy of said Approval in an accessible location of the facility's control room.
EU 1, EU 3, and EU 4	<p>TGP shall</p> <ol style="list-style-type: none"> 3) In accordance with MassDEP Approval No. # 1-O-06-039, maintain records that include the hours that the turbines are operated at extreme (below 0°F) temperature conditions and the resulting emissions from this operation.
EU 4	<p>TGP shall</p> <ol style="list-style-type: none"> 4) In accordance with MassDEP Approval No. 1-P-99-027, keep the following operating and maintenance records for the facility on-site: <ol style="list-style-type: none"> (a) Records of the hours of operation of the unit including start-ups and shutdowns; (b) Records of all maintenance performed on the Centaur-50 turbine; (c) The quantity of natural gas combusted within the Centaur-50 turbine during each calendar month; (d) Emission factors for NO_x, CO, and VOCs as developed from appropriate stack test data, an emission factor for SO₂ based on fuel sulfur content, and an appropriate emission factor for PM based on the most recent revision of EPA's <i>Compilation of Air Pollutant Emission Factors - Volume I: Stationary Point and Area Sources</i>; (e) The actual emissions of NO_x, CO, SO₂, PM, and VOCs during each calendar month and the previous rolling 12 calendar month period.
Facility-wide	<p>TGP shall</p> <ol style="list-style-type: none"> 5) In accordance with 310 CMR 7.00: Appendix C(9)(b)2., maintain the test results of any stack testing performed in accordance with 310 CMR 7.13(1) or of any other testing or testing methodology required by MassDEP or EPA. 6) Maintain records for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12 and keep copies of Source Registration/Emission Statement Forms submitted annually to MassDEP as required by 310 CMR 7.12(3)(b). 7) In accordance with 310 CMR 7.00: Appendix C(10)(b), maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application. Records required to be maintained shall include, where applicable: <ol style="list-style-type: none"> (a) The date, place as defined in the permit, and time of sampling or measurements; (b) The date(s) analyses were performed; (c) The company or entity that performed the analyses; (d) The analytical techniques or methods used; (e) The results of such analyses; and (f) The operating conditions as existing at the time of sampling or measurement.

Table 6

EU	Reporting Requirements
EU 1 and EU 3	<p>TGP shall</p> <ol style="list-style-type: none"> 1) In accordance with MassDEP Approval No. 1-X-91-006, notify MassDEP in writing within 15 days if the sulfur content documented per 40 CFR 60.334 (h)(3) indicates noncompliance with the SO₂ emission limitation expressed in Table 3 of this Permit.
EU 4	<p>TGP shall</p> <ol style="list-style-type: none"> 2) In accordance with MassDEP Approval No. 1-P-99-027, notify MassDEP in writing 90 days prior to any planned or routine construction, substantial reconstruction, alteration or replacement of the Centaur-50 turbine, including, but not limited to, any service life overhaul. 3) In accordance with MassDEP Approval No. 1-P-99-027, if any construction, substantial reconstruction, alteration, or replacement of the Centaur-50 turbine is needed due to malfunction, upset conditions, or premature degradation, notify MassDEP by phone or fax within 24 hours after the occurrence of said conditions. TGP shall submit a detailed written description to MassDEP of the actions taken within five days after completing such actions. 4) In accordance with MassDEP Approval No.1-P-99-027, submit any changes to the Standard Operating and Maintenance Procedures ("SOMP") for the Centaur-50 turbine to MassDEP within seven days after commencing such changes.
Facility-wide	<p>TGP shall</p> <ol style="list-style-type: none"> 5) In accordance with 310 CMR 7.12, submit a Source Registration/Emission Statement form to MassDEP on an annual basis. 6) In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to MassDEP two compliance summaries, one by January 30 for the time period July – December of the previous calendar year, and the other by July 30 for the time period January – June of the current calendar year. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT"). The summaries shall correspond to items in Table 4 of this Operating Permit including the actual emissions of NO_x, CO, SO₂, PM, and VOCs during each calendar month and the previous rolling 12 calendar month period. 7) In accordance with 310 CMR 7.13(1)(d), submit to MassDEP any stack test results for any air contaminant obtained from stack testing required by MassDEP within such time as agreed to in the approved test protocol. 8) In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by MassDEP or EPA. 9) In accordance with 310 CMR 7.00 Appendix C(5)(b)9., submit annually a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT"). 10) In accordance with 310 CMR 7.00 Appendix C(10)(f), the Permittee shall report to MassDEP's Regional Bureau of Waste Prevention all instances of deviations from permit requirements. (See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT").

C. GENERAL APPLICABLE REQUIREMENTS - The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq. and 310 CMR 8.00 et.seq, when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE - The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Reason
310 CMR 7.07: Open Burning	No open burning is conducted at this facility.
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	The facility employs less than 250 people.
310 CMR 7.25: Consumer and Commercial Products	TGP does not manufacture consumer or commercial products.
42 U.S.C. 7401, 601: Stratospheric Ozone	TGP does not conduct regulated activities at the facility.
42 U.S.C. 7401, § 112 (r) & 40 CFR Part 68: Prevention of Accidental Releases	Natural gas pipeline facilities are exempt. Instead they are regulated under 49 CFR Part 192.
40 CFR 64 Compliance Assurance Monitoring (CAM)	Facility does not satisfy all applicable criteria.

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special provisions that are not contained in Tables 3, 4, 5, and 6:

Table 8																							
EU #	Special Terms and Conditions																						
Facility-Wide	TGP shall																						
	1) In accordance with MassDEP Approval No. 1-O-06-039, comply with the following conditions when operating under extreme conditions:																						
	<table><tr><th colspan="4">Emission Limits for EU # 1, EU # 3 and EU # 4 Under Extreme Conditions¹ (pounds per hour per engine)</th></tr><tr><td></td><th>NOx</th><th>CO</th><th>VOC</th></tr><tr><td>EU 1 Centaur H</td><td>26.65</td><td>20.28</td><td>6.52</td></tr><tr><td>EU 3 Centaur T-4500</td><td>25.00</td><td>19.02</td><td>6.11</td></tr><tr><td>EU 4 Centaur 50</td><td>10.18</td><td>14.76</td><td>4.74</td></tr></table>			Emission Limits for EU # 1, EU # 3 and EU # 4 Under Extreme Conditions ¹ (pounds per hour per engine)					NOx	CO	VOC	EU 1 Centaur H	26.65	20.28	6.52	EU 3 Centaur T-4500	25.00	19.02	6.11	EU 4 Centaur 50	10.18	14.76	4.74
	Emission Limits for EU # 1, EU # 3 and EU # 4 Under Extreme Conditions ¹ (pounds per hour per engine)																						
		NOx	CO	VOC																			
	EU 1 Centaur H	26.65	20.28	6.52																			
	EU 3 Centaur T-4500	25.00	19.02	6.11																			
	EU 4 Centaur 50	10.18	14.76	4.74																			
	Note 1: Extreme conditions are defined as ambient temperature below 0°F (-18°C).																						
	2) Comply with all applicable requirements of 40 CFR Part 60 Subpart GG - Standards of Performance for Stationary Gas Turbines.																						
3) In accordance with 310 CMR 7.01(1), should any nuisance condition(s) occur as a result of the operation, take appropriate steps immediately to abate said nuisance condition(s). [State Only]																							
4) In accordance with 310 CMR 7.09, shall not cause or allow emissions of odor or dust that cause or contribute to a condition of air pollution. [State Only]																							
5) In accordance with 310 CMR 7.10, ensure that they do not willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise. [State Only]																							

6. ALTERNATIVE OPERATING SCENARIOS

The permittee did not request alternative operating scenarios in its operating permit application.

7. EMISSIONS TRADING

(a) Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies EPA and MassDEP at least fifteen (15) days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2. is required to be submitted to MassDEP pursuant to 310 CMR 7.00: Appendix B.

(b) Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

All increases in emissions due to emission trading must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. §7401 et. seq. (the "Act"), and provided for in this permit.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5. In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring summary Report and Certification. The "Operating Permit reporting Kit" is available to the Permittee via MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

(a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by MassDEP to determine the compliance status of the source.

(b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by MassDEP to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

12. PERMIT SHIELD

- (a) This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

(b) MassDEP has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.

(c) Nothing in this permit shall alter or affect the following:

- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A.

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

14. PERMIT TERM

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by MassDEP on the renewal application.

In the event MassDEP has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's operating permit for cause. MassDEP will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

17. DUTY TO PROVIDE INFORMATION

Upon MassDEP's written request, the permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall furnish to MassDEP copies of records that the permittee is required to retain by this permit.

18. DUTY TO SUPPLEMENT

The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The permittee shall promptly, on discovery, report to MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to MassDEP.

19. TRANSFER OF OWNERSHIP OR OPERATION

This permit is not transferable by the permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new permittee, has been submitted to MassDEP.

20. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of MassDEP, and EPA to perform the following:

- (a) enter upon the permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by MassDEP or EPA.

23. SEVERABILITY CLAUSE

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (b) the permitted facility was at the time being properly operated;
- (c) during the period of the emergency, the permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- (d) the permittee submitted notice of the emergency to MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6 of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

² An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

The Permittee shall report to MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset condition as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations which do not require 3 day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the Permittee gives the EPA and MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

- (a) Administrative Amendments - The permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- (b) Minor Modifications - The permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- (c) Significant Modifications - The permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- (d) No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT

Not all abbreviations are present in every Operating Permit

10⁶ Btu/hr–1,000,000 Btu per hour
CEM- Continuous Emission Monitor
CGA–cylinder gas audit
The Chart–the Ringelmann Scale for grading the density of smoke
CO–carbon monoxide
CO₂–carbon dioxide
COM–continuous opacity monitor
DAS–data acquisition system
EPA or USEPA –Environmental Protection Agency
EU – Emission Unit
FMF FAC. NO.–Facility Master File Number
FMF RO NO.–Facility Master File Regulated Object Number
ft³–cubic feet
HHV–higher heating value
hr–hour
ISO–Represents 59° F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level
lb–pound
lb/hr – pounds per hour
lb/MMBtu–pounds per million British thermal units
MassDEP – Massachusetts Department of Environmental Protection
MMBtu/hr–million British thermal units per hour
MW–megawatt (1,000,000 watts)
N/A – not applicable
ng–natural gas
NH₃–ammonia
NO_x–nitrogen oxides
O₂ - oxygen
Pb- lead
PCD – Pollution Control Device
PLT ID–Plant Identification
PM–particulate matter
POGOP – Plan of Good Operating Practices
ppm–parts per million
ppmvd–parts per million (by volume, dry)
PTE–potential to emit
RATA–relative accuracy test audit
SO₂–sulfur dioxide
tpy–tons per year
VOC–volatile organic compound

APPEAL CONDITIONS FOR OPERATING PERMIT

This permit is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.